

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3201 - A

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Meg Bushman-Reinhold
Reviewed by: John Borden, Gregory Jolivet
Date: April 11, 2019

Measure Description:

Provides that agreement for deferred resolution of criminal cases may not contain requirement that defendant enter plea of guilty or no contest.

Government Unit(s) Affected:

Department of Justice (DOJ), Oregon Judicial Department (OJD), District Attorneys and their Deputies (DAs), Public Defense Services Commission (PDSC)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

This bill prohibits requiring a defendant from pleading guilty or making admissions in court as a condition of entering into a diversion agreement. It also requires a defendant to waive several constitutional rights, including the right to a speedy trial, the right to present evidence, the right to confront witnesses, and the right to contest evidence, in exchange for diversion agreement.

Public Defense Services and District Attorneys and their Deputies

Currently, when a person is revoked from a diversion agreement, the conviction is automatically entered against them because a plea has already been entered. Under the procedures this bill, this would no longer occur. Instead, a trial would be scheduled determine the defendant’s guilt. However, the trial would be limited in scope given the waivers the defendant would have already made. The change in this procedure could result in additional trials. These additional trials are anticipated to have a minimal fiscal impact on defense counsel and district attorneys.

In addition, there may be constitutional challenges or other appeals resulting from this new process. Public Defense Services may be required to represent defendants on appeal. These appeals can be absorbed with existing resources at the Public Defense Services Commission and will have a minimal fiscal impact.

Department of Justice

This bill may increase the number or complexity of direct criminal appeals from people following failed diversions. It is unknown how many new appeals there will be or how complex such appeals will be. The fiscal impact of this bill on the Department of Justice is indeterminate, but likely minimal.

Oregon Judicial Department

This bill will have a minimal fiscal impact on the Oregon Judicial Department.